

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action dated August 31, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested. Claims 1-3 and 5-21 are pending in the Application. Claims 1, 2, 14, and 18 are independent claims.

In the Office Action, claims 13 and 20-21 are rejected under 35 U.S.C. §112, first paragraph. In response, the rejected claims are amended as suggested in the Office Action. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, claim 5 is amended to remove the term "correlated way" as suggested by the Office Action. Accordingly, it is respectfully requested that this rejection be withdrawn.

In the Office Action, claims 1-7, 11-13, and 20-21 are rejected under 35 U.S.C. §102(a) over European Patent Publication No. 1154412 to Kono ("Kono"). Claims 14-19 are rejected under 35 U.S.C. §103(a) over Japanese Patent Publication No. 2004-079103 to Harada ("Harada"). Claims 8 and 9 are rejected under 35 U.S.C. §103(a) over Kono in view of Harada. Claim 10 is rejected under 35 U.S.C. §103(a) over Kono in view of Harada in further view of U.S. Patent Publication No. 2002/0101803 to Hayashi ("Hayashi"). The rejection of claims 1-3 and 5-19 is respectfully traversed. It is respectfully submitted that claims 1-3 and 5-21 are allowable over Kono, Harada or Hayashi, alone or in view of any combination for at least the following reasons.

The claims are amended to clarify its recitations. In particular, the term "axial focus displacement event" was replaced by its definition "axial focus spot displacement" as provided in the preset application, page 5, lines 23-26.

The claims of the present application set out that, an error on two or more of the plurality of distinct input signals indicates the axial focus spot displacement. As shown in the exemplary embodiment illustrated in the present application, FIG. 2, the plurality of distinct input signals 64a-64d are inputted into the write inhibit circuit 64. If two or more signals 64b-64d are in error, a control signal 64a S<sub>INHIBIT</sub> to the laser driver circuit 63 is generated.

In contrast with the present claim recitations, Kono describes a focus error signal detector 7 and a reflected light quantity monitor 17 as follows:

When the amplitude becomes smaller than a specified reference, the monitor 17 issues a light intensity reducing command signal to a light intensity controller 4. (See Kono, paragraph [0034].)

And with regard to the signal detector 7, Kono describes,

the focus error signal detector 7 detects the relative displacement between the focus of the light beam and data plane of the optical disk 1. (See Kono, paragraph [0010].)

The Office Action references Kono, paragraph [0039] describing FIG. 3 and paragraph [0038] at col. 9, lines 11-15, which read as follows:

Therefore, if a quick response is required, the servo failure had better be detected with focus error signal. Thus the failure may be detected preferably with the focus error signal and the quantity of the reflected light.

It is respectfully submitted that the conclusion of the Office Action drawn from this portion of Kono, or any portion for that matter is however incorrect. The word "and"

between the focus error signal and the quantity of the reflected light in Kono indicates an alternative (separate) use of the two values, with each being used independently. As made clear in Kono, in paragraph [0038] at col. 8, line 55 to col. 9, line 8 which immediately precedes the above quoted Kono (emphasis added):

The monitor 17, upon judging that the quantity of light is lower than a specified reference th2, send the light intensity reducing command signal at a low level to the light intensity controller 4. Then, the light intensity controller 4 immediately lowers the light intensity to the reproducing level. The quantity of the reflected light is always low except when the light beam focuses nearly on the first or second data plane as shown in Fig. 6. Therefore, unlike the focus error signal, there is no problem of missing the momentary signal, and a focus servo failure is detected more securely.

The last quoted sentence of Kono makes clear that either signal may be utilized for detecting a focus servo failure.

Thus, as was argued in the response to the previous Office Action, nothing in paragraphs [0038] and [0039] or elsewhere in Kono teaches, discloses or suggests "an error on two or more of the plurality of distinct input signals indicating an axial focus spot displacement", as for example recited in claim 1.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Kono. For example, Kono does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "monitoring a plurality of distinct input signals while focusing a write light beam in a focal spot at a target storage layer, an error on two or more of the plurality of distinct input signals indicating an axial focus spot displacement; and inhibiting the writing process in case of the axial focus spot displacement" as recited in claim 1, and as similarly recited in claim 2.

With regard to Harada, it is undisputed that Harada fails to disclose "an error on two or more of the plurality of distinct input signals indicates the axial focus spot displacement", as for example recited in claim 14 (see, Office Action, page 8, third paragraph). Moreover, the Office Action has failed to indicate by column and line number, exactly where Harada describes "inhibiting a writing process in case of an axial focus spot displacement, an error on two or more of the plurality of distinct input signals indicates the axial focus spot displacement" as recited in claim 14. It is respectfully submitted that the description of referenced elements 44, 46, and 28 in Harada, FIG. 2 does not teach, disclose or suggest the above quoted recitation of claim 14. In fact, in Harada, the tracking servo control part 26 or the focus servo control section 28 (see, Harada, paragraph [0019]) are utilized for detecting whether the detected acceleration is greater than a reference acceleration (see, Harada, paragraph [0020]).

Furthermore, in response to the Office Action's dismissive treatment, of the axial focus spot displacement being indicated by an error on two or more of the plurality of distinct input signals, it is respectfully submitted that this limitation is not simply a redundancy as stated in the Office Action (see, Office Action, page 8, paragraph 3). It is a matter of an independent confirmation based on least two distinct signals to indicate an axial focus displacement.

It is respectfully submitted that claim 14 is not anticipated or made obvious by the teachings of Harada. For example, Harada does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "a write inhibit circuit for monitoring a plurality of distinct input signals while focusing the write light beam in a focal

spot at a target storage layer and for inhibiting a writing process in case of an axial focus spot displacement, an error on two or more of the plurality of distinct input signals indicates the axial focus spot displacement" as recited in claim 14 and as similarly recited claim 18.

Hayashi is introduced for allegedly showing elements of a dependent claim and as such, does nothing to cure the deficiencies in Kono and Harada.

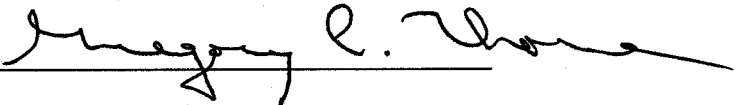
Based on the foregoing, it is respectfully submitted that independent claims 1, 2, 14, and 18 are patentable over Kono and Harada and notice to this effect is earnestly solicited.

Claims 3, 5-13, 15-17, and 19-21 respectively depend from one of the independent claims and, accordingly, are allowable for at least these reasons as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response, and in particular, no Official Notices are conceded. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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